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STATE FOR ISN/CB, VCI/CCB, L/ACV, IO/S
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NSC FOR DICASAGRANDE
WINPAC FOR WALTER

E.O. 12958: N/A
TAGS: [PARM](#) [PREL](#) [CWC](#)
SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): WRAP-UP FOR
WEEK ENDING JUNE 23

This is CWC-55-06.

U.S. EXTENSION REQUEST DRAFT DECISION

¶1. (U) In preparation for Executive Council 46 and beyond, del continued to work with other delegations to build support for the U.S. extension request draft decision. After initial discussions with allies, del offered general points on the elements of the extension request, and the fact that the U.S. is favorably considering site visits, at WEOG on June 21. Del was surprised by Germany's immediate (and public) insistence that visits in capitals are an essential element of the site visit concept. A robust discussion ensued, during which del reps made clear that Washington believes it provides senior political and technical representation at EC sessions, and ample opportunity to ask questions between, and would question the value and intent of visits beyond those to CW destruction sites.

¶2. (U) Throughout the week, the UK and German dels (supported, in large part, by capitals) continued to press for visits to capitals, and the inclusion of more specific details on site visits in the draft decision text. U.S. del reps offered Washington's concerns, and shared communications between capitals to provide additional insight. Of the allies, France was by far the most supportive, expressing gratitude for the U.S. approach during WEOG, and offering balanced, insightful comments later. (French view, at least locally, is that most concerns can be addressed through slight modifications of decision and site visit parameter language.)

¶3. (U) Del is beginning to sense an effort on the part of UK and Germany to raise support for capital visits in other regional groups as well. Del members have been approached by delegations inquiring as to the U.S. position on, or simply the underlying reason behind, visits in capitals as well as to destruction facilities. Although the German del in particular has predicted a hard-line approach on this from the NAM, del read is that this is being driven by an uncompromising position in Berlin and London.

ARTICLE VII

¶4. (U) Facilitator Maarten Lak (Netherlands) held a June 15 informal session to discuss the advance copy of the Progress Report and to begin debate on EC-46 report language. Delegations thanked the Technical Secretariat for the latest report, but noted that the last date for inclusion of information was May 31 and requested that the TS update the tables just prior to EC-46. New Zealand noted that Keith Wilson would be attending a meeting of the Pacific Island Forum in Fiji the week of June 19 to assist implementing states with their legislation. New Zealand expected that progress would be made and requested that this information be included in the report.

¶5. (U) The United States also reported on the outcome of its recent African Technical Assistance Visits and requested that the report also include this information. It also noted the Conference decision required states to have drafted legislation by EC-47. However the Progress Report only indicates where legislation has been implemented and requested (with support from India, Iran, Mexico, Germany, and Tunisia) that the TS provide delegations information on the critical drafting progress. (The TS agreed to post this information on the external server).

¶6. (U) Tunisia reported on its progress, noting that its legislative process was slow and cumbersome. Although it has had draft legislation for some time, the Ministries of Justice, Finance, Scientific Research, Trade and Defense all needed to complete their reviews and reach consensus. The process is well on the way, although the Progress Report indicated that there had been no communications between Tunis

and the TS since the Conference. This is not the case, and the report should be accurate.

¶7. (U) The facilitator then called for guidance on the approach to take on EC-46 report language: would it be better to return to the EC-45 draft or his draft that more closely followed the CSP-10 text. All the delegations that took the floor noted that they had no instructions from capital, but were willing to express their personal views. Only Mexico supported a return to EC-45 language (Germany remained silent). The UK, Japan, Sweden, Finland, Belgium, and the U.S. favored the second option. The U.S. also requested that the facilitator arrange a second consultation the week of June 26, to allow delegations ample time to communicate with capitals and begin to reach consensus in order to prevent a repeat of the EC-45 problems. The facilitator agreed to hold two consultations that week, one on the 26th and one on the 29th.

ARTICLE VII - SUPPORTING IMPLEMENTATION EFFORTS

¶8. (U) Work supporting outreach and assistance to implementing states is being undertaken by a number of States Party. SPs that have hosted U.S.-sponsored TAVs have by and large made great strides in their implementation efforts: all have interim or permanent National Authorities and draft legislation, enabling them to meet the requirements of the follow-on plan. Although not always noted explicitly, the tremendous U.S. outreach effort is appreciated by other delegations. Dividends are being paid through support on other issues critical to U.S. interests. SPs that have received U.S.-sponsored TAVs do not always agree with U.S. positions on how best to advance Article VII implementation, but many have become active in OPCW affairs for the first time. Some also have supported U.S. initiatives on other subjects. Algeria informed delrep that it successfully argued for moderate NAM and Africa group EC-46 statements regarding the U.S. request to extend its CW destruction deadline to 2012.

¶9. (U) Other SPs have assisted implementing states. Japan sent a legal expert (and former OPCW delegate) on a TS-sponsored TAV to Papua New Guinea (PNG) and Cambodia.

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Australia also sent a NA expert to PNG and Cambodia, and it may make a voluntary contribution to support former OPCW lawyer Keith Wilson's Article VII implementation support efforts of a number of Pacific Island Forum (PIF) states. New Zealand has made a substantial voluntary contribution to support Wilson's support efforts for TAVs to a number of PIF states in the eastern PIF region. New Zealand also hosted a PIF meeting in Auckland and held Art VII-related bilateral meetings on its margins.

¶10. (U) Algeria privately informed delrep that its former OPCW PermRep participated in several TAVs. In one instance, the state (Mauritania) drafted implementing legislation and established its National Authority, although Mauritania has yet to advise the TS of these advances. Algeria also participated in several Article VII subregional meetings of National Authorities. Iran privately informed delrep that it has offered assistance to Afghanistan, and is keeping in touch with officials in Kabul, encouraging them to enact legislation as soon as possible.

¶11. (U) A number of other states have assisted implementing states through the venue of local outreach groups or hosting training courses for members of NAs. Mexico established a regional outreach center, to support/assist GRULAC SP implementation efforts. Spain also is supporting implementation efforts of GRULAC states. South Africa participated in meetings of southern African states to support and assist implementation efforts. Romania, in tandem with the U.S. Department of Commerce, helped develop the Implementation Assistance Program (IAP) used in support of TAVs to implementing states.

¶12. (U) The UK hosted a NA training course in early 2006, and France has hosted three NA training courses and will host another in fall 2006. Portugal hosted two training courses for Portuguese-speaking states, the first contacts some of these states have had with the OPCW. These meetings ultimately resulted in establishment of NAs and drafting legislation. Portugal will host another more advanced course later in 2006. Nigeria, one of the recipients of U.S. assistance, hosted a regional meeting of African NAs that focused on Art VII implementation. Qatar offered to host an Art VII-related subregional meeting, and St. Lucia hosted an Article VII-related workshop for members of the Organization of Eastern Caribbean States. Finally, numerous SPs (Australia, Finland, Germany, and the Netherlands, to name a few) have shared their implementing regulations with implementing states.

----- UNIVERSALITY -----

¶13. (U) Said Moussi (Algeria) chaired his first meeting as the new facilitator for universality on June 21. The meeting was well attended with over 25 delegations and the Director General and Deputy DG in attendance. The substance of the meeting was largely the same as the universality POC meeting a week earlier - a summary of TS universality-related activities. All of the delegations that spoke, including Iran and Pakistan, were supportive of the TS efforts to achieve Universality.

¶14. (U) The DG made a strong pitch for the Rome universality meeting to be held October 25-27 and urged delegations to encourage non-SPs in the Middle East to send high-level representation to the meeting. Privately the TS shared with the Del the invitation letter (faxed to ISN/CB on 6/21/06) sent to the Israeli FM that is essentially the same in substance as the letters sent to the other non-SPs in the region. The DG also encouraged delegations to provide any

suggestions they may have regarding the program for the meeting. Finland said that as the incoming EU President it would demarche all non-SPs on behalf of the EU to encourage high-level attendance at the meeting. Italy said that the venue for the meeting would be the Aldrovandi Palace Hotel and that Italy would work closely to ensure that the meeting will be productive and well represented.

¶15. (U) The DG said that he and the TS have actively been pushing the universality agenda, noting that he had recently been in Jerusalem and also met with the Syrian, Lebanese, and Egyptian Ambassadors in The Hague.

¶16. (U) The U.S. and France urged the TS to consider combining the African Meeting for non-SPs scheduled to take place in Algiers on November 20-22 and the African NA meeting that will take place at some point in the fourth quarter of 2006, in order to reduce costs and ensure significant attendance. The DG said that he agreed in principle and would work in that direction.

¶17. (U) The rest of the meeting was largely the same update provided by Liu Zhixian, the Director of the External Relations Division, at the earlier POC meeting and generic statements from delegations supporting universality.

CHALLENGE INSPECTION CONSULTATIONS

¶18. (U) Facilitator Kang Yong (PRC) convened his last consultation on challenge inspections on June 20. Kang opened the session by recalling the suggestion of several delegations in recent consultations that the EC be involved in (or develop their own) challenge inspection exercise. Kang said he had raised this possibility with the Vice Chair of the cluster for this topic (Amb. Gevorgian of the Russian Federation), who did not believe that "the time was ripe."

¶19. (U) Kang then turned to the focus of the consultations, yet another of the "unresolved issues," the issue of specific

lists of equipment for challenge inspections. TS representatives Per Runn and Faiza Patel King introduced the topic by giving what they believed to be the background -- concern that analytical equipment would compromise information unrelated to the CWC. Patel King noted that this issue has already been addressed by the use of blinding software, and that the TS position is that all equipment available for a routine inspection should be available for challenge inspections as well.

¶20. (U) Iran then noted that the overall list of approved equipment is still actually under discussion, and that if we assume that all approved equipment can be brought on site, it would naturally mean that we should have resolution on the overall list of equipment. Iranian del also referred to "reservations some SPs have voiced on certain items within the approved equipment list" and, citing Part II, para 27-28 of the Verification Annex, stated that the TS should not be able to select among equipment.

¶21. (U) Several delegations requested clarification on the statement that SPs still had reservations on certain pieces of equipment, and more details on equipment that might cause specific concerns. Discussions then ranged from POE procedures used to inspect equipment to the need (or lack thereof) to differentiate between equipment used for a challenge inspection and that used for a routine inspection, with most delegations expressing support for giving the TS as much flexibility as possible to carry out their mission. Iran insisted that para 29, Part II of the Verification Annex does provide for reservations on types of equipment. U.S. del rep expressed strong support for allowing maximum TS flexibility, and offered a different interpretation of the intent of para 29.

¶22. (U) Consultations concluded with no clear "way forward"

expressed by the facilitator, likely to the delight of many delegations, who see the consultations as a waste of time, if not actually detrimental to TS efforts to maintain a state of readiness to conduct a challenge inspection. Del rep was later approached by Russian del rep, who, on behalf of Amb. Gevorgian, is obviously considering what action, if any, to take following Kang's departure this summer. Russia del does not seem opposed to continuing consultations, but stated frankly that they do not believe challenge inspections are a tool that should ever actually be used.

CHALLENGE INSPECTION PRESENTATION

¶23. (U) On June 20, the German delegation gave a presentation on the challenge inspection exercise conducted March 26-31, 2006, at the Lechfeld Air Base. Representatives from the German National Authority gave an overview of the various ministries/offices involved in such an exercise, focusing in particular on the role of the Bundeswehr Verification Center and the Escort Team, and then explained the scenario and results (lessons learned) of the exercise. (Hard copy of all relevant briefings will be provided to Washington.)

¶24. (U) The TS then shared their impressions from the exercise, from both Inspector and Headquarters perspectives. TS objectives for the exercise included exercising the

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command and control element (inspection planning), using interviews as an inspection tool, and report writing. The Inspection Team also focused on Non-Destructive Evaluation methods and on-site Sampling and Analysis. An IT member who had participated gave a well-focused briefing, in which he explained the actions of the IT from receipt of the Challenge Inspection Request (CIR), through POE activities and perimeter negotiations, up to IT findings (related back to the CIR) and operational lessons learned.

¶25. (U) Policy Review Branch head Per Runn summarized the TS perspective, stating that the main lesson learned was that report writing would be extremely time consuming, even if started early. He also noted a need for the TS to balance a

desire to "hit the ground as soon as possible" with the benefits derived from more meticulous inspection planning. Finally, he noted that an exercise requires tremendous advance planning, and that in a real challenge inspection scenario, some routine inspections would almost certainly need to be foregone to free inspector resources.

¶26. (U) Reactions from delegations were mixed. France asked how Germany was able to maintain a balance between transparency and respecting the rights of the Inspected State Party (ISP). Other WEOG questions focused on on-site sampling, use of equipment, and managed access. India stated that the exercise was too dependent upon artificialities, questioned the "value added" of such exercises for the TS, and suggested that it would be more useful in future to have an uncooperative ISP. (Rep from the German NA noted that cooperation is fully consistent with German policy on challenge inspections.) Iran expressed concern over the use of interviews, and requested that the TS provide the report from the exercise to member states, citing reports issued from earlier exercises. TS rep acknowledged that while this would be useful, the TS is still developing a reporting format for challenge inspections, and is concerned that any initial, informal report provided might be construed as a proposed format.

OEWG ON TERRORISM

¶27. (U) Facilitator Sophie Moal-Makame (France) chaired her

final meeting of the Open Ended Working Group on Terrorism on June 23. Most of the meeting was a presentation by Ambassador Les Luck, the Australian Ambassador for Counter-Terrorism, on Countering Terrorism in Southeast Asia: Australia's Strategy and Approach. After the presentation and questions and answers, John Makhubalo, Director of International Cooperation and Assistance, gave a brief update on recent TS activities related to terrorism. The meeting was general and there was little of substance or new to come out of the discussions.

¶28. (U) The DG introduced Amb. Luck who outlined his role in the Australian government. Luck said that he was primarily involved in Australia's external CT efforts with a special focus on regional cooperation with other Southeast Asian countries. He listed several recent terrorist attacks in Southeast Asia including the Bali bombings, the bombings adjacent to the U.S. and Australian Embassies in Jakarta and said that Australia was working very closely with the Indonesian government to prevent further attacks. He said that Australia was working on building its capacity and helping others in border security, transportation security, bomb site analysis, victim identification, and tracking terrorist financial transactions. The Australian police also now have a presence in all countries in the region.

¶29. (U) In terms of the OPCW, Luck said that it was clear that international terrorist organizations would like to develop a WMD capability and that the OPCW and IAEA therefore had a role to play. He said, for example, that while past non-proliferation efforts were focused on state actors, now they would also have to be oriented to deal with non-state actors. Luck said that other organizations such as the Australia Group, Wassenaar, and initiatives such as PSI also had a role to play.

¶30. (U) Italy asked what specific role Luck envisioned for the OPCW. Luck said that the two most obvious things the OPCW could do in the struggle against terrorism would be to push for the universality of the CWC and full and effective implementation by SPs. The Austrian delegate highlighted the role that Assistance and Protection could play in the struggle against terrorism.

¶31. (U) Makhubalo told delegates that he and the Director of the Office of Special Projects had visited the African Center for the Study of Terrorism in Algiers on June 18 and 19. Makhubalo said the Center, which was established in 2004, was

working on strengthening anti-terrorism cooperation amongst all African countries by encouraging them to join relevant international organizations and by acting as a clearing house for anti-terrorism related information. The Center is under the African Union and its director reports to the AU Commissioner for Peace and Security. The Center's representatives told Makhubalo that they were very interested in working more closely with the OPCW particularly in the area of Assistance and Cooperation. While the two day meeting was an exploratory session, according to Makhubalo, he believed that there are potential synergies between the two organizations such as sharing information from the TS Assistance and Protection database with the African Center.

¶32. (U) Moal-Makame said in closing that she believes there is more to be done in the OEWG and she urged delegates to think of creative ways that Assistance and Protection activities could be used as part of the OPCW's contribution to global anti-terrorism efforts.

¶33. (U) On the question of Moal-Makame's successor, she told del rep privately that Paris has recommended that the new French delegate to the OPCW assume her responsibilities as the OEWG facilitator. The Spanish delegate Tomas Lopez Vilarino had earlier expressed an interest in the position but is unlikely to push for the position should the French want to keep it.

¶34. (U) The Chairman of the Executive Council, Ambassador Mkhize (South Africa), chaired a June 22 meeting to review the 2005 Draft Report of the OPCW. The report, which is largely a straight forward account of what the TS did in 2005 and what happened, should have taken about thirty minutes to approve. Iran, however, intervened repeatedly in an attempt to politicize what should have been a simple historical document. The U.S., Germany, France, and the UK pushed back on most of the Iranian proposed edits. Most of the Iranian suggestions were not accepted and on a few the TS agreed to study the language and try to make it clearer for delegates. Exactly how the document will emerge from the TS editors for EC-46 to consider is not clear and the del will have to closely examine the document to ensure that any problematic Iranian changes were not included by the TS.

¶35. (U) On page 1 of the document, Iran requested that all references to non-proliferation be deleted as non-proliferation is not mentioned in the CWC. Del rep pushed back noting that many items mentioned in the report are not explicitly mentioned in the CWC, training and development for example, yet there are no calls for these items to be excised from the report. Del rep also noted that non-proliferation is listed as a core objective in the program and budget. The change was rejected.

¶36. (U) Iran also requested that paragraph 4 on page one be split so that Article VII would have a separate header and that "further progress" on line 3 be changed to "significant progress." There were no objections. In paragraph 6, line 1 Iran asked that "universal adherence" be replaced with "universality". There was some weak opposition to this from the TS but eventually the change was accepted.

¶37. (U) Austria requested that special mention be made to the EU voluntary contribution in paragraph 7 on page 2. The U.S. and Iran suggested that it was important to be consistent in the report and either mention everybody's contribution or nobody's contribution. Austria withdrew its request.

¶38. (U) Russia and the UK proposed listing the non-submitting SPs in paragraph 1.1. The TS responded that the information was available in the Verification Implementation Report. India said it would like to submit unspecified editorial suggestions for paragraph 1.12 to the TS. Russia asked that the last sentence in paragraph 1.21 be

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deleted. There were no objections.

¶39. (U) Iran asked that the entire reference in paragraph 1.31 and 1.32f be deleted. India supported. The U.S., UK, and Germany pushed back. The TS said it may seek to refine the language. Austria requested that "inter alias" be added in front of "the ability" in paragraph 1.34. There were no objections.

¶40. (U) India asked that the language in paragraphs 2.9 and 2.17 be refined by the TS to make it clearer. Iran asked that the word "effective national Authorities" be changed to "National Authorities" in paragraph 2.17. Iran also asked that the introductory paragraph on Article VII that it had earlier called for be deleted and all references to Article VII be moved to paragraph 2.18. Del rep objected strongly to both changes and they were dropped.

¶41. (U) The TS said it would correct the number of TAVs listed in 2.19, as it was incorrect. Russia said that 3.3a needed to be corrected as the decision referenced was made in 2004 and not in 2005. Iran said it was unaware of any host country issues having been resolved as stated in 4.8 and asked that the TS check and correct the mistake.

REPAYMENT PLANS

¶42. (U) Consultations were held on establishing a repayment mechanism for SPs in arrears. The facilitators circulated a facilitators' paper (e-mailed to ISN-CB on 6/23) that was to serve as a basis for drafting decision language. Unfortunately, rather than offering general comments on the substance of the document Germany and Iran suggested reviewing the document paragraph by paragraph. The whole exercise quickly devolved into a drafting exercise that will undoubtedly be repeated when delegates are presented with the actual draft decision language at the next consultation after EC-46.

¶43. (U) Japan said Tokyo would insist on a maximum five year repayment period in any repayment plan, as this was closer to the UN standard. Japan also would prefer that an exception to financial regulation 5.6a be incorporated into repayment plans as opposed to amending the financial regulations. The U.S., France, Ireland, and Germany supported Japan's position. Iran said it would reserve its positions and suggested that a ten year limit might be more appropriate, suggesting that the facilitators contact SPs in arrears and get their view. (Note: No SPs that have lost their voting rights attended the consultation. End Note.)

¶44. (U) Iran said it had problems with the first sentence in paragraph A, as it implied that all SPs in arrears had to submit a payment plan even if they did not want to enter into a repayment plan with the TS. Other delegations tried to explain that this only applied to SPs that wanted to enter into a repayment plan, but Iran said the language would have to be refined for a draft decision. Germany reminded Iran that the document was not decision text.

¶45. (U) Iran suggested that SPs who enter into a repayment plan with the TS and regain their voting rights and subsequently fail to adhere to the terms of the agreement should not lose their voting rights again until the subsequent CSP makes a decision. All other delegations expressed the view that SPs that fail to abide by the terms of their repayment plans should automatically lose their voting rights again. There was no consensus as to whether this should be stipulated in each individual repayment plan as approved by the CSP or in the CSP decision restoring voting rights. The facilitators said they would study the issue and develop language for delegations to consider at the next consultation.

¶46. (U) Javits sends.
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